IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4347 of 2007()

CRIME NO.187/07 OF PEERMEDU POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.3905/2007 Dated 29/06/2007

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PETITIONER/ACCUSED NO.1

VARGHESE,
MERCY BHAVAN, KOZHIKANNAN NO.2 DIVISION,
ELAPPARA, IDUKKI DISTRICT.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4347 of 2007

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Dated this the 18th day of July, 2007

O R D E R

Petitioner is the first accused. He, along with the co-accused, faces allegations, inter alia, under Sections 332 and 308 I.P.C. The learned counsel for the petitioner submits that in favour of some of the co-accused directions were issued as per common order in B.A.No.3883 of 2007 and connected cases dt. 29.6.2007. The petitioner shall be satisfied if identical directions were issued in favour of the petitioner also, it is submitted. Copy of that order is produced as Annex.I and a reading of that order shows that the court was not convinced that there are sufficient materials to justify the allegation under Section 308 I.P.C. at this stage.

2. The learned Prosecutor does not raise any objection. Identical directions as were issued to the co-accused can be issued in favour of the petitioner also, he submits. I find no reason to grant anticipatory bail to the petitioner.

3. This application is hence dismissed. Needless to say, if the petitioner surrenders before the Investigating Officer or the

learned Magistrate having jurisdiction and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously. While considering such application for regular bail, the learned Magistrate shall reckon that no allegation has been raised under Section 308 I.P.C. On that assumption the bail application shall be disposed of.

(R. BASANT)
Judge

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